

1 CiCi CUNNINGHAM, ESQ.  
 2 Nevada Bar No.: 4960  
 3 JAMES A. KOHL, ESQ.  
 4 Nevada Bar No.: 5692  
 5 CHRISTINE A. ROBERTS, ESQ.  
 6 Nevada Bar No.: 6472  
 7 RAWLINGS, OLSON, CANNON,  
 8 GORMLEY & DESRUISSEAUX  
 9 9950 West Cheyenne Avenue  
 10 Las Vegas, NV 89129  
 11 Phone: (702) 384-4012  
 12 Fax: (702) 383-0701  
 13 Email: [bankruptcy@rocgd.com](mailto:bankruptcy@rocgd.com)  
 14 Attorneys for Creditors,  
 15 Prospect High Income Fund,  
 16 ML CBO IV (Cayman) Ltd.,  
 17 PAMCO Cayman, Ltd.,  
 18 PAM Capital Funding, L.P.,  
 19 Highland Crusader Fund, Ltd.,  
 20 and PCMG Trading Partners XXII, L.P.

E-FILED ON: 9/7/06

11  
**UNITED STATES BANKRUPTCY COURT  
 12 DISTRICT OF NEVADA**

13 In re: ) CASE NO.: BK-S-06-10725-LBR  
 14 USA COMMERCIAL MORTGAGE COMPANY, ) CASE NO.: BK-S-06-10726-LBR  
 15 Debtor. ) CASE NO.: BK-S-06-10727-LBR  
 16 ) CASE NO.: BK-S-06-10728-LBR  
 17 ) CASE NO.: BK-S-06-10729-LBR

---

18 In re: ) Chapter 11  
 19 USA CAPITAL REALTY ADVISORS, LLC, )  
 20 Debtor. )

---

21 In re: ) Jointly Administered Under  
 22 USA CAPITAL DIVERSIFIED TRUST DEED ) Case No. BK-S-6-10725-LBR  
 23 FUND, LLC, )  
 24 Debtor. )

---

25 In re: )  
 26 USA CAPITAL FIRST TRUST DEED FUND, LLC, )  
 27 Debtor. )  
 28 )

---

29 In re: )  
 30 USA SECURITIES, LLC, )  
 31 Debtor. )

---

32 Affects: )  
 33  All Debtors )  
 34  USA Commercial Mortgage Company )  
 35  USA Capital Realty Advisors, LLC )  
 36  USA Capital Diversified Trust Deed Fund, LLC )  
 37  USA Capital First Trust Deed Fund, LLC )  
 38  USA Securities, LLC, )

HEARING:  
 Date: August 31, 2006  
 Time: 9:30 a.m.

**CERTIFICATE OF MAILING OF OPPOSITION BY HIGHLAND CAPITAL  
TO MOTION TO AMEND DEBTOR'S PROTOCOL FOR CONTINUING  
DISTRIBUTIONS AND INTERIM HOLDBACKS**  
**(AFFECTS USA COMMERCIAL MORTGAGE, USA CAPITAL DIVERSIFIED  
TRUST DEED FUND, AND USA CAPITAL FIRST TRUST DEED FUND)**

I, the undersigned do hereby certify that the Opposition by Highland Capital to Motion to Amend Debtor's Protocol for Continuing Distribution and Interim Holdbacks was served on the 7 day of September, 2006, via facsimile to the following:

Annette W. Jarvis, Esq.  
Ray Quinney & Nebeker, P.C.  
36 South State Street, Suite 1400  
P.O. Box 45385  
Salt Lake City, UT 84145  
Faxed to: (801) 532-7543

Lenard E. Schwartzer  
Schwartzer & McPherson Law Firm  
2850 South Jones Blvd., Suite 1  
Las Vegas, NV 89146-5308  
Faxed to: (702) 892-0122

Bob L. Olson  
Anne M. Loraditch  
Beckley Singleton Chtd.  
530 Las Vegas Blvd. South  
Las Vegas, NV 89101  
Faxed to: (702) 385-9447

Rob Charles, Esq.  
Lewis & Roca, LLP  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-0961  
Faxed to: (702) 949-8321

And via electronic notification to the following:

SEE ATTACHED LIST.

DATED this 14 day of September, 2006.

Yolonda K. Lester, an employee of Rawlings, Olson, Cannon, Gormley & Desruisseaux

**File an answer to a motion:**  
06-10725-lbr USA COMMERCIAL MORTGAGE COMPANY

**U.S. Bankruptcy Court**

**District of Nevada**

**Notice of Electronic Filing**

The following transaction was received from CUNNINGHAM, CICI entered on 9/7/2006 at 2:42 PM PDT and filed on 9/7/2006

**Case Name:** USA COMMERCIAL MORTGAGE COMPANY

**Case Number:** 06-10725-lbr

**Document Number:** 1254

**Docket Text:**

Opposition Filed by CICI CUNNINGHAM on behalf of PROSPECT HIGH INCOME FUND (Related document(s) [1233] Motion to Amend, filed by Creditor Committee OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR USA COMMERCIAL MORTGAGE COMPANY.) (CUNNINGHAM, CICI)

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** G:\Bankruptcy\E-Filing\USA Capital\OptoMtntoAmdDebtorsProtocol.pdf

**Electronic document Stamp:**

[STAMP\_bkecfStamp\_ID=989277954 [Date=9/7/2006] [FileNumber=7273103-0]  
[09135182abf453e97100e9817b5b9eefc3273e350cd6b294a667763f18261f2cccd2d5  
2918f34cb46af9d675b192de8d92633df67dfc38ee2ec10b2400645f324]]

**06-10725-lbr Notice will be electronically mailed to:**

FRANKLIN C. ADAMS franklin.adams@bbklaw.com, arthur.johnston@bbklaw.com

NANCY L ALLF nallf@parsonsbehle.com,  
klawrence@parsonsbehle.com;tthomas@parsonsbehle.com;ecf@parsonsbehle.com

OGONNA M. ATAMOH oatamoh@nevadafirm.com,  
bkecf@nevadafirm.com;paltstatt@nevadafirm.com;sliberio@nevadafirm.com

BMC GROUP, INC. evrato@bmccgroup.com, ecf@bmccgroup.com;jmiller@bmccgroup.com;jbartlett@bmccgroup.com

KELLY J. BRINKMAN kbrinkman@goldpatterson.com,

THOMAS R BROOKSBANK tom@tombrooksbank.com, renee@tombrooksbank.com

ANDREW M. BRUMBY abrumbry@shutts-law.com, rhicks@shutts-law.com;lmackson@shutts-law.com

MATTHEW Q. CALLISTER mqc@callister-reynolds.com, maggie@callister-reynolds.com

CANDACE C CARLYON ltreadway@sheacarlyon.com,  
ccarlyon@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;rmsmith@sheacarlyon.com

ROB CHARLES rcharles@lrlaw.com, cjordan@lrlaw.com

MICHAEL W. CHEN yvette@ccfirm.com

KEVIN B. CHRISTENSEN kbchrislaw@aol.com,

JANET L. CHUBB tbw@jonesvargas.com

JEFFREY A. COGAN jeffrey@jeffreycogan.com, sarah@jeffreycogan.com

WILLIAM D COPE cope\_guerra@yahoo.com, cope\_guerra@yahoo.com

CICI CUNNINGHAM bankruptcy@rocgd.com

LAUREL E. DAVIS bklsclov@lionelsawyer.com,  
ldavis@lionelsawyer.com;gbagley@lionelsawyer.com;ldavisesq@aol.com

DEBT ACQUISITION COMPANY OF AMERICA V, LLC (tf) tfette@daca4.com,

THOMAS H. FELL BANKRUPTCYNOTICES@GORDONSILVER.COM

SCOTT D. FLEMING sfleming@halelane.com, dbergsing@halelane.com,ecfvegas@halelane.com

GREGORY E GARMAN bankruptcynotices@gordonsilver.com

WADE B. GOCHNOUR wgochnour@hwmlvlaw.com, donnat@hwmlvlaw.com

CARLOS A. GONZALEZ carlos.gonzalez2@usdoj.gov,  
Darlene.Ruckard@usdoj.gov;Eunice.Jones@usdoj.gov;Sue.Knight@usdoj.gov

GERALD M GORDON bankruptcynotices@gordonsilver.com

TALITHA B. GRAY bankruptcynotices@gordonsilver.com

MARJORIE A. GUYMON bankruptcy@goldguylaw.com, ddias@goldguylaw.com

JEFFREY R. HALL jhall@sheacarlyon.com,  
bankruptcyfilings@sheacarlyon.com;aboehmer@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmith@sheacarlyon.cc

XANNA R. HARDMAN xanna.hardman@gmail.com,

STEPHEN R HARRIS noticesbh&p@renolaw.biz

BRIGID M. HIGGINS bankruptcynotices@gordonsilver.com,

DAVID W. HUSTON dwh@hustonlaw.net, swaits@hustonlaw.net

CHRISTOPHER D JAIME cjaime@waltherkey.com, kbernhar@waltherkey.com

EVAN L. JAMES ejameslv@earthlink.net, kbchrislaw@aol.com

ANNETTE W JARVIS ,

TY E. KEHOE TyKehoeLaw@aol.com

ROBERT R. KINAS rkinas@swlaw.com,  
mstrand@swlaw.com;jlustig@swlaw.com;chaines@swlaw.com;imccord@swlaw.com

ZACHARIAH LARSON ecf@lslawnv.com

JOHN J. LAXAGUE jjaxague@caneclark.com

NILE LEATHAM nleatham@klnevada.com, ckishi@klnevada.com;bankruptcy@klnevada.com

ROBERT C. LEPOME robert@robertlepome.com, susan@robertlepome.com

ANNE M. LORADITCH ecffilings@beckleylaw.com, aloraditch@beckleylaw.com;pkois@beckleylaw.com

REGINA M. MCCONNELL rmcconnell@kssattorneys.com,

WILLIAM L. MCGIMSEY lawoffices601@lvcoxmail.com,

RICHARD MCKNIGHT mcknightlaw@cox.net,  
gkopang@lawlasvegas.com;cburke@lawlasvegas.com,sforemaster@lawlasvegas.com

JEANETTE E. MCPHERSON bkfilings@s-mlaw.com

JEANETTE E. MCPHERSON bkfilings@s-mlaw.com

SHAWN W MILLER bankruptcyfilings@sheacarlyon.com,  
smiller@sheacarlyon.com;aboehmer@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmith@sheacarlyon.com

DAVID MINCIN mcknightlaw@cox.net,  
gkopang@lawlasvegas.com;dmincin@lawlasvegas.com,cburke@lawlasvegas.com,sforemaster@lawlasvegas.com

JOHN F MURTHA jmurtha@woodburnandwedge.com

ERVEN T. NELSON erv@rlbolick.com, susan@rlbolick.com

VICTORIA L NELSON bkecf@nevadafirm.com,  
vnelson@nevadafirm.com;paltstatt@nevadafirm.com;rholley@nevadafirm.com;sliberio@nevadafirm.com

BOB L. OLSON ecffilings@beckleylaw.com, bolson@beckleylaw.com;dgriffis@beckleylaw.com

DONNA M. OSBORN ebaker@marquisaurbach.com,  
dosborn@marquisaurbach.com;tszostek@marquisaurbach.com;kgallegos@MarquisAurbach.com

ANDREW M. PARLEN aparlen@stutman.com,

DONALD T. POLEDNAK sandplegal@yahoo.com, spbankruptcy@yahoo.com

PAUL C RAY info@johnpeterlee.com

SUSAN WILLIAMS SCANN sscann@deanerlaw.com, palexander@deanerlaw.com

LENARD E. SCHWARTZER bkfilings@s-mlaw.com

JAMES PATRICK SHEA bankruptcyfilings@sheacarlyon.com,  
ltreadway@sheacarlyon.com;rmsmith@sheacarlyon.com

SHLOMO S. SHERMAN ssherman@sheacarlyon.com,  
aboehmer@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmith@sheacarlyon.co

AMBRISH S. SIDHU ecf@lslawnv.com

JEFFREY G. SLOANE gjklepel@yahoo.com, rmcconnell@kssattorneys.com

DAVID A. STEPHENS dstephens@lvcm.com

PETER SUSI cheryl@msmlaw.com, msm@msmlaw.com

JEFFREY R. SYLVESTER jeff@sylvesterpolednak.com, David@sylvesterpolednak.com

CARYN S. TIJSSELING cst@beesleymatteoni.com, aha@beesleymatteoni.com

U.S. TRUSTEE - LV - 11 USTPRegion17.lv.ecf@usdoj.gov,

WHITNEY B. WARNICK wbw@albrightstoddard.com, bstessel@albrightstoddard.com

JOAN C WRIGHT jwright@allisonmackenzie.com, jbrooks@allisonmackenzie.com

MATTHEW C. ZIRZOW bankruptcynotices@gordonsilver.com

**06-10725-lbr Notice will not be electronically mailed to:**

EVAN BEAVERS  
1625 HIGHWAY 88, #304  
MINDEN, NV 89423

JOSHUA D BRYSK  
LAW OFFICES OF JAMES G SCHWARTZ  
7901 STONERIDGE DRIVE, SUITE 401  
PLEASANTON, CA 94588

ELISSA F CADISH  
3930 HOWARD HUGHS PKWY, 4TH FLR  
LAS VEGAS, NV 89169

VINCE DANELIAN  
P.O. BOX 97782  
LAS VEGAS, NV 89193

FRANK A ELLIS  
510 S 9TH ST  
LAS VEGAS, NV 89101

GEORGE D FRAME  
601 GREENWAY ROAD, STE D  
HENDERSON, NV 89015

R VAUGHN GOURLEY  
3636 N RANCHO DR  
LAS VEGAS, NV 89130

ANNETTE W JARVIS  
POB 45385  
36 SOUTH STATE STREET, #1400  
SALT LAKE CITY, UT 84145-0385

MATTHEW J. KREUTZER  
HALE LANE PEEK DENNISON AND HOWARD  
3930 HOWARD HUGHES PARKWAY  
FOURTH FLOOR  
LAS VEGAS, NV 89169

REID W. LAMBERT  
WOODBURY & KESLER, P.C.  
265 EAST 100 SOUTH, SUITE 300  
SALT LAKE CITY, UT 84111

LEWIS AND ROCA LLP

,

ELIZABETH R. LOVERIDGE  
WOODBURY & KESLER, P.C.  
265 EAST 100 SOUTH, SUITE 300  
SALT LAKE CITY, UT 84111

LEE D. MACKSON  
SHUTTS & BOWEN LLP  
1500 MIAMI CENTER  
201 SOUTH BISCAYNE BOULEVARD  
MIAMI, FL 33131

RICHARD J. MASON  
130 PINETREE LANE  
RIVERWOODS, IL 60015

JAY L. MICHAELSON

,

BRECK E. MILDE  
TERRA LAW LLP  
60 SOUTH MARKET ST, SUITE 200  
SAN JOSE, CA 95113

DOUGLAS M MONSON  
RAY QUINNEY & NEBEKER P.C.  
36 SOUTH STATE STREET  
SUITE 1400  
PO BOX 45385  
SALT LAKE CITY, UT 84145-0385

J. STEPHEN PEEK  
HALE LANE PEEK DENNISON AND HOWARD  
3930 HOWARD HUGHES PARKWAY  
FOURTH FLOOR  
LAS VEGAS, NV 89169

RAY QUINNEY & NEBEKER P.C.  
36 SOUTH STATE STREET, SUITE 1400  
P.O. BOX 45385  
SALT LAKE CITY, UT 84145

NICHOLAS J SANTORO  
400 S FOURTH ST 3RD FLOOR  
LAS VEGAS, NV 89101

MICHAEL M. SCHMAHL  
MCGUIREWOODS LLP  
77 W. WACKER DRIVE, SUITE 4100  
CHICAGO, IL 60601

JAMES G SCHWARTZ  
7901 STONERIDGE DR #401  
PLEASANTON, CA 94588

SCHWARTZER & MCPHERSON LAW FIRM  
2850 S. JONES BLVD., #1  
LAS VEGAS, NV 89146

PATRICIA K. SMOOTS  
318 N GROVE  
OAK PARK, IL 60302

BRADLEY J STEVENS  
3300 N CENTRAL AVE  
PHOENIX, AZ 85012

BRADLEY J STEVENS  
3300 N CENTRAL AVE #1800  
PHOENIX, AZ 85012

THOMAS W STILLEY  
1000 SW BROADWAY #1400  
PORTLAND, OR 97205

STEVEN C STRONG  
RAY QUINNEY & NEBEKER P.C.  
36 SOUTH STATE STREET  
SUITE 1400  
SALT LAKE CITY, UT 84145-0385

STUTMAN, TREISTER & GLATT PROFESSIONAL CORPORATION  
1901 AVENUE OF THE STARS, 12TH FLR  
LOS ANGELES, CA 90067

Case 06-10725-gwz Doc 1255 Entered 09/07/06 14:54:16 Page 9 of 9

GREGORY J WALCH  
400 S FOURTH ST 3RD FLOOR  
LAS VEGAS, NV 89101

RUSSELL S. WALKER  
265 EAST 100 SOUTH  
SUITE 300  
SALT LAKE CITY, UT 84111

WILLIAM E WINFIELD  
POB 9100  
OXNARD, CA 93031

MARION E. WYNNE  
WILKINS, BANKESTER, BILES & WYNNE, P.A.  
POST OFFICE BOX 1367  
FAIRHOPE, AL 36533-1367